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REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

ADDRESS TO: Mail Stop RCE

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Application No.	09/804,498
Filing Date	March 12, 2001
First Named Inventor	Barron
Group Art Unit	3731
Examiner Name	Daniel J. Davis
Attorney Docket No.	BSC-162

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

NOTES

RCE v. CPA: 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53(d) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA.

FEE AND SUBMISSION REQUIRED: A submission as used in this section includes, but is not limited to, an information disclosure statement, an amendment to the written description, claims, or drawings, new arguments, or new evidence in support of patentability. If reply to an Office action under 35 U.S.C. 132 is outstanding, the submission must meet the reply requirements of § 1.111 (see 37 C.F.R. 1.114 (e)).

RCE APPLIES TO: An application in which prosecution is closed (see 37 C.F.R. § 1.114 (b)).

RCE DOES NOT APPLY TO: (1) A provisional application; (2) an application for a utility or plant patent filed under 35 U.S.C. 111(a) before June 8, 1995; (3) an international application filed under 35 U.S.C. 363 before June 8, 1995; (4) an application for a design patent; or (5) a patent under reexamination (see 37 C.F.R. 1.114(e)).

1. SUBMISSION REQUIRED UNDER 37 C.F.R. § 1.114

- a. ☒ Enter and consider the unentered amendment under 37 C.F.R. § 1.116 previously filed on May 29, 2003.
- b. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on ____.
- c. ☐ Amendment/Response enclosed.
- d. ☐ Affidavit(s)/Declaration(s) enclosed.
- e. ☐ Information Disclosure Statement (IDS) enclosed.
- i. ☐ PTO-1449
- ii. ☐ Copies of IDS Citations
- f. ☐ Other _____

2. RCE FEE REQUIRED UNDER 37 C.F.R. § 1.114

- a. ☐ Small entity status
- i. ☐ was established in the prior nonprovisional application.
- ii. ☐ is established herewith by the enclosed written assertion of entitlement to small entity status.
- b. ☐ A Petition and Fee for Extension of Time for ____ months up to and including ____ is enclosed herewith.
- c. ☒ A check in the amount of \$750.00 is enclosed.
- d. ☐ The Commissioner is hereby authorized to charge the required fee(s), i.e., \$____, to Deposit Account No. 20-0531.
- e. ☒ 0.00 The Commissioner is hereby authorized to credit overpayments or charge any additional fees required for this submission under 37 C.F.R. §§ 1.16 and 1.17 to Deposit Account No. 20-0531.

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PATENT
Atty. Docket No. BSC-162
(1002/1152)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S): Barton et al. CONFIRMATION NO.: 1361
SERIAL NUMBER: 09/804,498 ART UNIT: 3731
FILING DATE: March 12, 2001 EXAMINER: D. Davis
TITLE: Bone Anchor Protective Cover

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PO Box 1450
Alexandria, VA 22313-1450

RESPONSE UNDER 37 C.F.R. §1.116
EXPEDITED PROCEDURE
EXAMINING GROUP NO. 3731

AMENDMENT AND RESPONSE TO FINAL OFFICE ACTION

Sir:

In response to the Final Office Action mailed April 1, 2003, in connection with the above-identified patent application, Applicants respectfully submit the following Amendment and Response.

Applicants believe that no fees are necessitated by the present Amendment. However, in the event that fees are due, the Commissioner is hereby authorized to charge any such fee to Attorney's Deposit Account No. 20-0531.

AMENDMENTS

In the Claims

Prior to further examination of this application, please amend claims 1, 6, and 19 as follows:

09/17/03 WED 13:49 FAX

018

Testa, Hurwitz & Thibault, LLP

125 High Street
Boston, MA 02110

Fleet Bank, N.A.
Boston, Massachusetts 02110

6-39/110

Date:

July 1, 2003

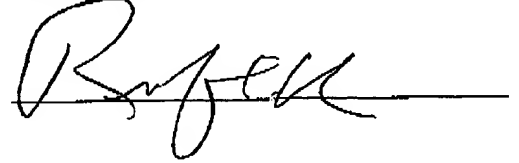
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Request For Continued Examination (RCE) Transmittal
Serial No. 09/804,498
Page 2 of 2

3. MISCELLANEOUS

- a. ☒ Return Receipt Postcard enclosed.
b. ☐ Other _____

CORRESPONDENCE ADDRESS	SIGNATURE BLOCK
<p>Direct all correspondence to: Patent Administrator Testa, Hurwitz & Thibault, LLP High Street Tower 125 High Street Boston, MA 02110 Tel. No.: (617) 248-7000 Fax No.: (617) 248-7100</p>	<p>Respectfully submitted,</p>  <p>Date: July 1, 2003 Reg. No. 33,497 Tel. No.: (617) 310-8108 Fax No.: (617) 248-7100</p> <p>Steven J. Frank Attorney for Applicants Testa, Hurwitz & Thibault, LLP High Street Tower 125 High Street Boston, MA 02110</p>

2648746

TESTA, HURWITZ & THIBEAULT, LLP

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TELECOPY COVER SHEET

Please call if you do not receive all the pages.

Date: September 17, 2003

TO: **Name:** Examiner D. Jacob Davis
Company: USPTO
Address:
Telephone: 703-305-1232
Fax: 703-872-9302

FROM: **Sender:** Duan Wu (617-248-7808)
Number of Pages INCLUDING This Cover Sheet: 16
Client: 1002/1152, USSN 09/804,498

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Comments:

Enclosed is one copy of papers submitted on July 1, 2003, including an RCE and attachments.

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BSC-162
(1002/1152)

The "RECEIVED" stamp of the Patent Office imprinted hereon acknowledges the filing of:

Transmittal Form (1 pg.); Fee Transmittal (1 pg.); Request for Continued Examination (RCE) Transmittal (2 pgs.); Copy of Amendment and Response to Final Office Action filed on May 29, 2003 (9 pgs.); Check in the amount of \$750.00; and this Return Receipt Postcard; all mailed under Express Mail Mailing Label No. EV174098251US.

Name of Applicant: Barron et al.

Intf. or Serial Number: 09/804,498

Atty: SJFrank/CEWhyte

Date: July 1, 2003
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